

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BASILIO TOVAR and  
RUBI ESPARZA,

Plaintiffs,

v.

JOSUE RODRIGUEZ,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 3:23-cv-1758-K

---

**DEFENDANT’S NOTICE OF INTENT TO MOVE FOR SUMMARY JUDGMENT**

---

TO THE HONORABLE COURT:

In compliance with the Court’s Order of December 4, 2023 (Dkt. No. 17), Defendant Josue Rodriguez files this Notice to inform the Court that he has decided not to file a motion to dismiss Plaintiffs’ Amended Complaint. Defendant intends to file a motion for summary judgment asserting qualified immunity within sixty days.

Respectfully submitted,

CITY ATTORNEY OF THE CITY OF DALLAS

Tammy L. Palomino  
City Attorney

s/ Lindsay Wilson Gowin  
Lindsay Wilson Gowin  
Deputy Chief of Torts  
Texas State Bar No. 24111401  
[lindsay.gowin@dallas.gov](mailto:lindsay.gowin@dallas.gov)

Dallas City Hall 7DN  
1500 Marilla Street  
Dallas, Texas 75201  
Telephone: 214-670-3519  
Telecopier: 214-670-0622

*Attorneys for Defendant Josue Rodriguez*

### **CERTIFICATE OF SERVICE**

I certify that on February 2, 2024, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Lindsay Wilson Gowin  
Senior Assistant City Attorney